



VIA HAND DELIVERY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Rimsa <i>et al.</i>	Confirmation No.:	8227
Application No.	08/367,370	Art Unit	BPAI
Filed:	December 30, 1994	Examiner	Robertson, Jeffery B
Title:	STARCH ESTER BLENDS WITH LINEAR POLYESTERS	Attorney Docket No.:	11413-006-999 (formerly: PD-7057P1-64) CAM No.: 078358-999006

RESPONSE TO NOTICE UNDER 37 C.F.R. § 1.251 – PENDING APPLICATION

Mail Stop RECONSTRUCTION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
MAY 19 2008
TC 1700

Sir:

In response to the Notice Under 37 C.F.R. § 1.251 (“Notice”) mailed April 1, 2008 in connection with the above-identified application, Applicants submit herewith: (a) a copy of the Notice; (b) a completed Form PTO-2053-B; and (c) a copy of the Applicants’ record of all of the correspondence between the U.S. Patent and Trademark Office (“PTO”) and the Applicants for the above-identified application as Exhibits 1-23 pursuant to 37 C.F.R. § 1.251 (a)(i).

Pursuant to 37 C.F.R. § 1.251(a)(1)(ii), a list of the correspondence between the Patent and Trademark Office and the Applicants is as follows:

- Ex. 1. Power of Attorney filed July 28, 1994 in U.S. Patent Application No. 07/996,237, to which the above-identified application claims priority under 35 U.S.C. § 120;
- Ex. 2. Petition for Extension of Time filed December 30, 1994 in U.S. Patent Application No. 07/996,237;
- Ex. 3. The above-identified application filed December 30, 1994, which consisted of the following:

- (a) a Division-Continuation Program Application Transmittal Form;
 - (b) the application;
 - (c) a Preliminary Amendment;
 - (d) copy of Combined Declaration and Power of Attorney in Application No. 07/995,237;
 - (e) Information Disclosure Statement and accompanying List of References Cited by Applicant and copy of references AL - AT;
- Ex. 4. Official Filing Receipt;
- Ex. 5. Office Action mailed May 25, 1995;
- Ex. 6. Amendment filed September 25, 1995;
- Ex. 7. Petition for Extension of Time filed September 25, 1995;
- Ex. 8. Office Action mailed March 14, 1996 and copy of cited Fordyce reference;
- Ex. 9. Examiner Interview Summary Record - Interview on September 10, 1996;
- Ex. 10. Amendment filed September 13, 1996;
- Ex. 11. Petition for Extension of Time filed September 13, 1996;
- Ex. 12. Amendment Presenting Claims for Interference filed October 29, 1996;
- Ex. 13. Interview Summary - Interview on January 7, 1997;
- Ex. 14. Amendment and Request for Interference filed January 30, 1997;
- Ex. 15. Office Action mailed March 7, 1997;
- Ex. 16. Amendment filed May 30, 1997 via facsimile;
- Ex. 17. Advisory Action mailed June 11, 1997;
- Ex. 18. Interference Communication: Initial Memorandum dated June [16], 1997;
- Ex. 19. Declaration of Interference mailed June 23, 1997;
- Ex. 20. Final Decision of Board of Patent Appeals and Interferences mailed June 11, 2002;
- Ex. 21. Revocation and Power of Attorney, transmitted to Mr. Leland Watkins via facsimile on March 28, 2008;
- Ex. 22. Notice of Acceptance of Power of Attorney mailed April 2, 2008; and

Ex. 23. Notice of Reconstruction mailed April 1, 2008.

Pursuant to 37 C.F.R. § 1.251(a)(1)(iii), Applicants submit that the copy is a complete and accurate copy of the Applicants' record of all of the correspondence between the Office and the Applicants for the above-identified application. Applicants are not aware of the existence of Appellant's Complaint dated June 11, 2002, which is listed in the PALM printout attached to the Notice, and do not have a copy of such Appellant's Complaint in Attorneys for Applicants' records. Applicants further submit that the U.S. Patent and Trademark Office has a copy of the interference file for the interference identified in Ex. 19. The Examiner's attention is directed the copy residing in the records of the PTO should any document in the interference file is required for reconstruction of the application. Exhibits 1, 2, 3(d), 4, 9, 13 and 21, which are among the records of Attorneys for Applicants but are not listed in the PALM printout, are also submitted herewith.

Applicants respectfully request that the file of the above-identified patent be reconstructed pursuant to the provisions of 37 C.F.R. § 1.251.

It is believed that no fee is due in connection herewith this response. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: May 15, 2008

Gidon D. Stern 27,469
Gidon D. Stern (Reg. No.)

By: Susie S. Cheng 46,616
Susie S. Cheng (Reg. No.)

JONES DAY
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Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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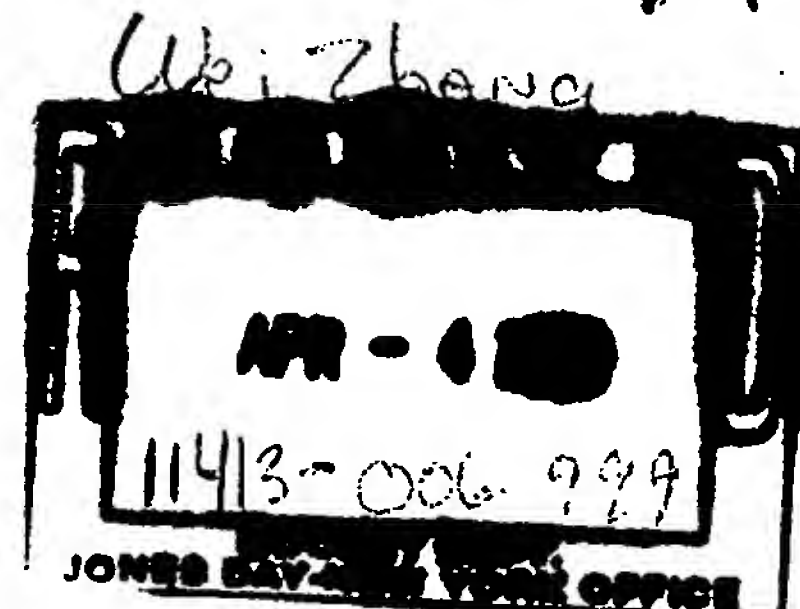
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/367,370	12/30/1994	STEPHEN RIMSA	PD-7057P1-64	8227
20583 7590 04/01/2008 JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EXAMINER ROBERTSON, JEFFREY B	
			ART UNIT BPAI	PAPER NUMBER
			MAIL DATE 04/01/2008	DELIVERY MODE PAPER

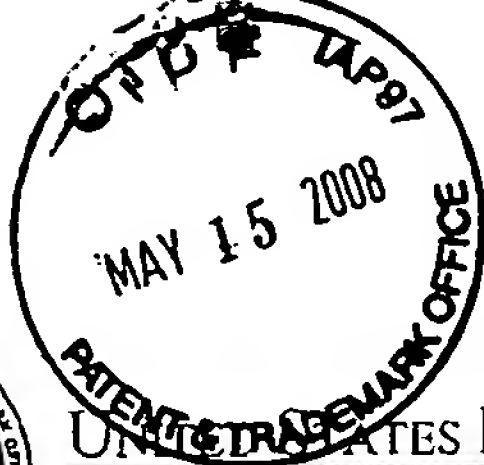
Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Reconstruction
3 mos (best avail)
7-1-08





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United States Patent and Trademark Office
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

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NOTICE UNDER 37 CFR 1.251 - Pending Application

☒ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

Alternatively, applicant may reply to this notice by producing applicant's record (if any) of all of the correspondence between the Office and the applicant for the above-identified application for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), whether applicant is aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

☒ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

Mail Stop RECONSTRUCTION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

Seland Watkins
(571) 272-1062

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of: _____

Application No.: _____

Filing Date: _____

Title: _____

Direct to:

Mail Stop RECONSTRUCTION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE UNDER 37 CFR 1.251 - Pending Application

Statement (check the appropriate box):

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Date

Signature

Typed or printed name

A copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.